

302 KAR 100:010. Procedures for determining purchasing priority for agricultural conservation easements or other property interests in agricultural lands.

RELATES TO: KRS 262.902, 262.904, 262.908

STATUTORY AUTHORITY: KRS 262.902, 262.908

NECESSITY, FUNCTION, AND CONFORMITY: KRS 262.908 requires the Purchase of Agricultural Conservation Easement Board to implement a Purchase of Agricultural Conservation Easement Program, including the development and promulgation of necessary administrative regulations. KRS 262.908 requires the Purchase of Agricultural Conservation Easement Corporation to establish fair, equitable, objective, nondiscriminatory procedures for determining easement purchase priorities. KRS 262.908 also requires that land is selected for purchase because it will make a significant contribution to agricultural production.

Section 1. Definitions. All terms used in this administrative regulation shall have the meaning given them in KRS 262.900.

Section 2. A farmland tract shall not be considered by the PACE Corporation for acquisition as an agricultural conservation easement or other property interest unless the land proposed for acquisition meets the following minimum criteria:

- (1) The land is a farm as defined by KRS 262.900.
- (2) The land is viable agricultural land as defined by KRS 262.900.

Section 3. The PACE Corporation shall consider the following factors in evaluating eligible lands for purchase:

- (1) Soil type;
- (2) Extent of agricultural production in proximity to the farmland tract;
- (3) Current use of the farmland tract;
- (4) Proximity of the farmland tract to an agricultural conservation district;
- (5) Size of farmland tract;
- (6) Vulnerability of the farmland tract to conversion to nonagricultural uses; and
- (7) Any other factors relevant to the use or potential use of the farmland tract for agricultural production.

Section 4. The provisions this administrative regulation do not apply to the following acquisitions of easements or other property interests by the Commonwealth.

- (1) Purchases made pursuant to KRS 262.904(4);
- (2) Purchases of an easement or other property interest from a nonprofit land conservation organization or other qualified organization; or
- (3) Donations of lands to the Commonwealth by gift or bequest. (22 Ky.R. 423; eff. 10-11-95.)